

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

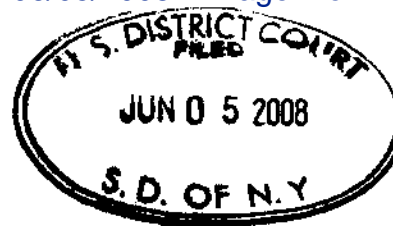
-----X
CHRISTOPHER FERNANDEZ,

Petitioner,

-against-

JOSEPH SMITH, et ano,

Respondents.
-----X



07 **CIVIL 6310 (DC)**
JUDGMENT

SCANNED

A petition for habeas corpus pursuant to 28 U.S.C. § 2254 having been submitted to the Honorable Denny Chin, United States District Judge, and the Court, on June 5, 2008, having rendered its Opinion granting the petition for a writ of habeas corpus to the extent that the depraved indifference murder conviction is vacated, and the case is remanded to the state courts for further proceedings not inconsistent with this decision, it is,

ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Opinion dated June 5, 2008, the petition for a writ of habeas corpus is granted to the extent that the depraved indifference murder conviction is vacated, and the case is remanded to the state courts for further proceedings not inconsistent with this decision.

DATED: New York, New York
June 5, 2008

J. MICHAEL McMAHON

Clerk of Court

BY:



Deputy Clerk

**THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____**